

REMARKS/ARGUMENTS

Claims 1-12 are pending in this application. Claims 1-10 stand rejected. By this Amendment, claims 1 and 5 have been amended and claims 11 and 12 are added. No new matter has been added. The amendments made to claim 1 do not alter the scope of the claims, nor have these amendments been made to define over the prior art. Rather, the amendments to claim 1 have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

The Examiner rejected claims 1-10 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In accordance with the Examiner's remarks, and to more clearly define the invention, Applicant has amended claim 1. Specifically, claim 1 now recites a "suction jet pump ... and a suction line in fluid connection arranged on the suction jet pump." Additionally, Applicants have amended claim 1 to recite "the pot being coupled to a baffle." Claim 2 is amended to provide antecedent basis. Claim 5 has been amended to remove the narrower statement of the limitation recited in claim 5. The narrower recitation is claimed in new claim 11, which depends from claim 5. As a result, Applicants request that the Examiner withdraw the rejection under 35 U.S.C. § 112.

Claims 1-3, 6, 10 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Publication No. 2001/0055530 ("Eck"). Applicants request reconsideration and withdraw this rejection.

Among the limitations of independent claim 1 not present in Eck is "a suction jet pump ... and a suction line in fluid connection arranged on the suction jet pump ...wherein at least part of the mixing tube is arranged in a pot, the pot being coupled to a baffle."

Eck discloses a "common" jet pump. A common jet pump draws fluid from an area in which the jet pump is installed. Thus the common jet pump has a suction opening. The jet pump recited in the present specification and claims is a suction jet pump. A suction jet pump is characterized by a suction line instead a suction opening because of jet pump drawss fluid from an area away from the jet pump. A suction line requires a vacuum to suck fluid. The vacuum is created in the jet pump by the flow of the fluid through the mixing tube and a liquid closure in the mixing tube to avoid an entry of air though the end opening of the mixing tube. Eck fails to disclose a suction line as recited in claim 1. Thus, for at least this reason, claim 1 is allowable over Eck.

Further, as explicitly recited in the claims and shown, for example, in Figures 1 and 6, a suction pump 9 having a mixing tube 10 arranged in a pot 8, is connected to a baffle 5. In Figure 7, the pot 8 is formed as a portion of the baffle and in Figure 6 the pot is formed inside the baffle. Thus, as recited in the claim and shown in every embodiment of the invention, the mixing tube of the suction jet pump is arranged in a pot that is coupled to a baffle.

Eck does not disclose the explicitly recited suction jet pump. In Eck, a jet pump is arranged within a baffle tube. In Eck, a fuel feed unit 3 is arranged for filling a baffle 2 of fuel tank. A holding part 4 receives the fuel pump and includes a fuel filter on a vertical wall 8. Fuel passes through a suction pump 6 immediately after the fuel pump 5 has been started. Thus, the fuel feed unit disclosed in Eck includes a jet pump having its mixing tube arranged inside a baffle 2. Eck fails to disclose a pot within the scope of the pending claims.

The Examiner asserts that the pot in Eck is disclosed by baffle 2. However, this is incorrect. As is known to one skilled with the art, the baffle prevents fluid movement from disrupting fluid delivery by preventing waves in a tank. The wall 8 in Eck does not provide this functionality. The baffle 2, which is arranged within a fuel tank 1, is the element that provides the baffle functionality. Thus, the mixing tube of the suction jet pump is arranged within a baffle, not within a pot. Further, Eck fails completely to disclose a pot. Therefore, for this additional reason claim 1 is patentable over Eck.

Claims 2-10 depend from and include all the limitations of claim 1. These dependent claims recite additional limitations, which, are also directed towards patentable subject matter. Thus, claims 2-10 are in condition for immediate allowance.

Claims 4,5, and 7-9 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Eck in view of various other references. We note that the additional references were not added to cure the deficiency in Eck discussed above but to show additional limitations, which even if they were to show, do not cure the deficiency noted above. Thus, claims 4, 5, and 7-9 are all in condition for allowance.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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